

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools

This document summarizes the federal and state requirements for selling and giving foods and beverages to students from fundraisers in Connecticut public schools that:

- participate in the U.S. Department of Agriculture’s (USDA) National School Lunch Program (NSLP); and
- choose **not** to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.).

For guidance on how the state and federal requirements apply to different sources of foods and beverages in non-HFC public schools, refer to the Connecticut State Department of Education’s (CSDE) resources, [Requirements for Competitive Foods in Non-HFC Public Schools](#) and [Summary Chart: State and Federal Requirements for Competitive Foods in Non-HFC Public Schools](#). The CSDE’s [Guide to Competitive Foods in Non-HFC Public Schools](#) provides detailed guidance on the requirements for competitive foods in non-HFC public schools.



Fundraisers are any activities during which money or its equivalent (such as tickets, coupons, tokens, and similar items) is exchanged for the purchase of a product in support of the school or school-related activities. This includes any activities that suggest a student donation in exchange for foods and beverages, since funds may be raised as a result.

Examples of food and beverage fundraisers include sales of commercial products, such as potato chips and other snack foods, candy bars, cookies, muffins, frozen cookie dough, pies, water, and soft drinks; and sales of foods and beverages made from scratch, such as baked goods, popcorn, sandwiches, smoothies, coffee, and hot chocolate.



The CSDE strongly encourages schools to promote consistent health messages to students by selling healthy foods or conducting nonfood fundraisers. The CSDE’s handout, [Healthy Fundraising](#), provides suggestions for fundraising with nonfood items and activities.

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Overview of Federal and State Requirements

All foods and beverages available for sale to students from fundraisers in non-HFC public schools must comply with the USDA's Smart Snacks nutrition standards ([81 FR 50131](#)). Beverages must also comply with the state beverage statute ([C.G.S. Section 10-221q](#)). In addition to these nutrition standards, fundraisers on school premises must comply with the following federal and state requirements:

- Connecticut's statute requiring the sale of nutritious and low-fat foods ([C.G.S. Section 10-221p](#));
- Connecticut's state competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#)); and
- the local educational agency's (LEA) school wellness policy, as required by the USDA's school wellness policy legislation ([Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#)).

These federal and state requirements determine what and when foods and beverages may be sold or given to students from fundraisers in non-HFC public schools. They also regulate the accrual of income from sales of foods and beverages to students.

- "Sales" means the exchange of a determined amount of money or its equivalent (such as tickets, coupons, tokens, and similar items) for foods and beverages. Sales also include programs and activities that charge a fee that includes the cost of foods and beverages provided to students, and activities that suggest a student donation in exchange for foods and beverages. Under Connecticut's statutes and regulations for competitive foods, sales include coupons and similar items that are given to students (such as food rewards), and can be exchanged for certain foods and beverages. However, Smart Snacks does not apply when coupons and similar items are given to students.
- "Giving" means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- "School premises" include all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system (Connecticut Technical Education and Career System (CTECS)), or the governing authority district or school.

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When the Requirements Apply

When the federal and state requirements differ, the stricter requirements apply. Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNP) are operating.

- The “school day” is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is from midnight to 3:30 p.m. A summer school program operated by the board of education or school governing authority is part of the regular school day.
- The CNPs include the [NSLP](#), [School Breakfast Program \(SBP\)](#), [Afterschool Snack Program \(ASP\)](#) of the NSLP, [Seamless Summer Option \(SSO\)](#) of the NSLP, [Special Milk Program \(SMP\)](#), [Fresh Fruit and Vegetable Program \(FFVP\)](#), [Child and Adult Care Food Program \(CACFP\)](#) [At-risk Afterschool Meals](#) operated in schools, and [Summer Food Service Program \(SFSP\)](#) operated in schools.

Table 1 summarizes when the federal and state requirements apply to fundraisers in non-HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.

Table 1. Summary of requirements for fundraisers in non-HFC public schools				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Smart Snacks (81 FR 50131)	All foods and beverages available for sale to students from fundraisers on school premises, excluding foods and beverages that are intended for consumption at home (refer to “Allowable Foods,” “Fundraiser catalogs and orders,” and “Timing of distribution and consumption” in this document). ¹	During the school day.	Yes	No

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Table 1. Summary of requirements for fundraisers in non-HFC public schools, *continued*

Requirement	Applies to	When applies	Applies to	
			Selling	Giving
State beverage statute (C.G.S. Section 10-221q) ²	All beverages available for sale to students from fundraisers on school premises (refer to “ Allowable Beverages ” in this document). ^{2,3}	At all times, except for sales that meet the exemption criteria of the state beverage statute (refer to “ Beverage exemptions ” in this document). ⁴	Yes	No
State statute for nutritious and low-fat foods (C.G.S. Section 10-221p) ²	All sales of foods to students from fundraisers on school premises (refer to “ State Statute Requiring Nutritious and Low-fat Foods ” in this document). ^{2,3}	During the school day.	Yes	No
Section 10-215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students from fundraisers on school premises while any CNPs are operating (refer to “ Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks ” in this document). ²	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students on school premises while any CNPs are operating (refer to “ Section 10-215b-23: Accrual of income ” in this document). ²	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No

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Table 1. Summary of requirements for fundraisers in non-HFC public schools, *continued*

Requirement	Applies to	When applies	Applies to	
			Selling	Giving
School Wellness Policy (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010)	Selling and giving foods and beverages to students from fundraisers on school premises (refer to “ USDA School Wellness Policy Requirements ” in this document). ⁵	During the school day.	Yes	Yes

- ¹ Smart Snacks does not apply to foods and beverages intended for consumption at home. Examples include products in a precooked state (such as frozen pies and cookie dough) or in bulk quantities (multiple servings per package), such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans. However, the state statutes and competitive foods regulations supersede Smart Snacks because they apply to all foods and beverages, regardless of when students will consume them (refer to “[Timing of distribution and consumption](#)” in this document).
- ² The state statutes and competitive foods regulations apply to all foods and beverages, regardless of when students will consume them. This includes products in a precooked state (such as frozen pies and cookie dough) or in bulk quantities (multiple servings per package), such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans.
- ³ C.G.S. Sections 10-221q and 10-221p apply to all Connecticut public schools, including those that do not choose the healthy food option of HFC or do not participate in the CNPs.
- ⁴ The state beverage statute specifically prohibits beverage exemptions for vending machines and school stores. All beverages sold from vending machines and school stores must **always** comply with the state beverage statute.
- ⁵ The LEA’s school wellness policy must include locally determined standards and nutrition guidelines for all foods and beverages and beverages available for sale to students, and provided to students free of any charge, on school premises during the school day (refer to “[USDA School Wellness Policy](#)” in this document).



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Allowable Foods

All commercial food products and foods made from scratch available for sale to students from fundraisers on school premises during the school day must comply with Smart Snacks. For information on the specific Smart Snacks requirements, refer to the CSDE's resource, [Summary of Smart Snacks Nutrition Standards](#), and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage.

The Smart Snacks nutrition standards applies to the amount of the food **as served**, including any added accompaniments such as butter, margarine, cream cheese, jelly, mayonnaise, ketchup, mustard, relish, salad dressing, sauce, and gravy. When a food includes an accompaniment (such as a bagel with cream cheese or pancakes with butter and syrup), the nutrition information for the **food and accompaniments** must be added together to refer to the serving for Smart Snacks compliance.

Commercial products

The serving of a commercial product (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies commercial food products that comply with the CNS (and therefore the Smart Snacks food standards). Fundraiser operators may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess food products for compliance with Smart Snacks. This tool cannot be used to identify allowable beverages because some requirements of the state beverage statute are stricter and supersede the Smart Snacks beverage standards.

Foods made from scratch

The serving of a recipe (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. Recipes with nutrition information are required for two categories of foods: 1) foods prepared from scratch; and 2) foods with other ingredients added after purchasing, e.g., popping popcorn kernels in oil; assembling a sandwich; making muffins from a mix and adding butter and eggs; and adding sprinkles to commercial frozen sugar cookie dough.



Fundraiser operators must document each recipe's Smart Snacks compliance **before** selling these foods to students. Documentation requires two steps: 1) obtaining or developing a standardized recipe that indicates the required nutrition information per serving (calories, fat, saturated fat, trans fat, sodium, and sugars); and 2) comparing the recipe's nutrition information per serving (including any added accompaniments) with the required nutrition standards for the applicable Smart Snacks

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food category. Schools must maintain this information on file for the CSDE's Administrative Review of the school nutrition programs. For more information on evaluating recipes for Smart Snacks compliance, review section 1 of the CSDE's [Guide to Competitive Foods in Non-HFC Public Schools](#).

Allowable Beverages

All beverages available for sale to students in Connecticut public schools must comply with the state beverage statute (C.G.S. Section 10-221q) and any stricter Smart Snacks requirements. The state beverage statute applies at **all times** to all beverages available for sale to students on school premises, including beverages sold as part of and separately from reimbursable meals. Smart Snacks applies to all beverages sold separately from reimbursable meals to students on school premises **during the school day**. The CSDE's [List of Acceptable Foods and Beverages webpage](#) identifies commercial beverage products that comply with the state beverage statute and the Smart Snacks beverage standards.

Fundraisers on school premises can sell only the following five categories of beverages to students: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet the specific nutrition requirements of the federal and state beverage standards. For information on these requirements, refer to the CSDE's resources, [Allowable Beverages in Connecticut Public Schools](#) and [Beverage Requirements for Connecticut Public Schools](#) (presentation), and visit the CSDE's [Beverage Requirements](#) webpage.



Beverages that do not comply with the state beverage statute (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) cannot be sold to students from fundraisers on school premises unless the sales are at the location of an event that meets the beverage exemption criteria of the state beverage statute (refer to [“Beverage Exemptions”](#) in this document).

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Beverage Exemptions

Noncompliant beverages (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) cannot be sold to students from fundraisers on school premises unless the local board of education or school governing authority has voted to allow exemptions; and 1) the fundraiser meets the following exemption criteria of the state beverage statute: 2) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 3) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store.

- An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. Events involve a gathering of people in a social context, such as sports competitions, awards banquets, school concerts, and theatrical productions. For example, soccer games, school plays, and school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.
- “Location” means where the event is being held. For example, lemonade may be sold on the side of the soccer field during a soccer game, but cannot be sold in the school cafeteria while a game is played on the soccer field.

If the board of education or school governing authority has voted to allow beverage exemptions, noncompliant beverages could be sold to students at the location of an event that occurs after the school day or on the weekend.

- **Example:** The school day ends at 3:00 p.m. Noncompliant beverages could be sold to students from a fundraiser located at an event on school premises that occurs anytime between 3:31 p.m. through 11:59 p.m. during the school week, or anytime on Saturday or Sunday. However, if this fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits this fundraiser from selling or giving candy, coffee, tea, and soft drinks to students during this time. Section 10-215b-23 requires that the fundraiser’s income during this time must accrue to the nonprofit food service account (refer to “[Section 10-215b-23: Accrual of income](#)” in this document). For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., the fundraiser cannot sell candy, coffee, tea, and soft drinks to students from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m.; and the nonprofit food service account must receive the fundraiser’s income from all foods and beverages sold to students during this time.

Beverages that do not comply with the state beverage statute can **never** be sold to students as a fundraiser from vending machines or school stores, even if the vending machines or school stores

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are at the location of an event. The state beverage statute specifically prohibits beverage exemptions for vending machines and school stores.

State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for sale to students separately from reimbursable meals during the school day, nutritious and low-fat foods must also be available for sale at the same time, either at the location of the food sales or elsewhere in the school. The statute defines “nutritious and low-fat foods” as low-fat dairy foods (such as low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods.

Fundraisers on school premises that sell foods to students during the school day must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are available for sale to students elsewhere on school premises at the same time. For fundraisers that consist of preordered foods, the nutritious low-fat foods specified in the statute must be available for sale when students **receive** the foods, not when students order the foods. For more information on C.G.S. Section 10-221p, refer to the CSDE’s resource, [*Questions and Answers on Connecticut Statutes for School Foods and Beverages*](#).

State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies restrict candy, coffee, tea, and soft drinks while CNPs are operating; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises while CNPs are operating. In addition to fundraisers that sell or give foods and beverages to students, these restrictions apply to:

- sales of beverages at events on school premises that meet the exemption criteria of the state beverage statute;
- fundraisers and regulate the accrual of income from where students can exchange tickets, coupons, tokens, and similar items for foods and beverages (including coupons and similar items that are sold or given to students);
- student orders for foods and beverages from fundraisers on school premises; \distribution of fundraiser foods and beverages to students on school premises; and
- fundraisers on school premises that offer foods and beverages to students in exchange for a suggested donation.

Sections 10-215b-1 and 10-215b-23 apply regardless of when students will consume the foods and beverages.

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Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks

Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs. Section 10-215b-1 applies regardless of when students will receive or consume the foods.

- “Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints.
- “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal and iced.
- “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners), and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.

Depending on when CNPs operate, Smart Snacks and the state beverage statute may supersede Section 10-215b-1, or Section 10-215b-1 may supersede Smart Snacks and the state beverage statute. These requirements are summarized below.

- **Selling candy:** Smart Snacks prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., fundraisers cannot sell candy to students anywhere on school premises from 3:00 p.m. to 5:00 p.m. This includes student orders for candy from fundraisers.
- **Selling coffee, tea, and soft drinks:** The state beverage statute supersedes Section 10-215b-1 because it applies at **all times**, not just when CNPs are operating. Fundraisers cannot sell coffee, tea, and soft drinks to students unless 1) the board of education or school governing authority has voted to allow beverage exemptions; 2) the sales meet the exemption criteria of the state beverage statute (refer to “[Beverage exemptions](#)” in this document); and 3) the sales do not occur while any CNPs are operating. Coffee, tea, and soft drinks can **never** be sold to students as fundraisers from vending machines or school stores.

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- **Giving candy, coffee, tea, and soft drinks:** Smart Snacks and the state beverage statute do not apply when foods and beverages are given to students. However, Section 10-215b-1 prohibits giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot give candy, coffee, tea, and soft drinks to students anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. Examples include fundraisers that:
 - give students coupons, tickets, tokens, or similar items that can be exchanged for candy, coffee, tea, and soft drinks;
 - distribute orders of candy, coffee, tea, and soft drinks to students; and
 - give candy, coffee, tea, and soft drinks to students in exchange for a suggested donation.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises. For more information, refer to the CSDE's resources, [Healthy Fundraising](#), [Healthy Celebrations](#), and [Alternatives to Food Rewards](#).

Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the nonprofit food service account. The nonprofit food service account is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

All fundraiser sales of foods and beverages to students on school premises during this time must comply with this regulation, including:

- sales of foods that comply with Smart Snacks;
- sales of beverages that comply with Smart Snacks and the state beverage statute;
- sales of beverages to students at events that meet the exemption criteria of the state beverage statute;
- sales of tickets, coupons, tokens, and similar items that students can exchange for foods and beverages;



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- student orders for foods and beverages; and
- student donations in exchange for foods and beverages.

For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the FFVP operates from 9:30 a.m. to 10:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., the nonprofit food service account must receive the income from all foods and beverages sold to students anywhere on school premises from 6:30 a.m. to 8:30 a.m., 9:00 to 10:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m. For more information, refer to the CSDE's resource, [Overview of Connecticut's Competitive Foods Regulations](#), and CSDE's [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

USDA School Wellness Policy Requirements

The LEA's school wellness policy may have additional local requirements for selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 ([Section 4 of Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The [Healthy, Hunger-Free Kids Act of 2010](#) strengthened the SWP law by adding requirements for public participation, transparency, and implementation.

Among other requirements, the LEA's school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. At a minimum, the LEA's school wellness policy for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on school wellness policies, visit the CSDE's [School Wellness Policies](#) webpage.

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Complying with Federal and State Requirements

This section provides guidance on how the federal and state requirements for competitive foods apply to different types of fundraisers in non-HFC public schools. These requirements include Smart Snacks and Connecticut's statutes and regulations for competitive foods. The state statutes include the state beverage statute (C.G.S. Section 10-221q) and the state statute for nutritious low-fat foods (C.G.S. Section 10-221p). The state regulations for competitive foods include Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies.

Sales to adults

Smart Snacks and Connecticut's statutes and regulations for competitive foods do not apply to foods and beverages sold to adults on school premises, such as school staff, parents, and other adults. Fundraisers may sell foods and beverages to adults at any time, either on or off school premises. However, Connecticut's statutes and regulations for competitive foods apply when students sell fundraiser foods and beverages to adults off school premises, deliver the fundraiser orders and money to school, and pick up the foods and beverages at school for delivery to customers. An example is a fundraiser that sells boxes of candy bars and bags of gourmet coffee. Under the state competitive foods regulations, foods and beverages are being sold to students when students exchange money or its equivalent for foods and beverages on school premises, regardless of when students will receive or consume the foods and beverages. For more information, refer to "[Fundraiser catalogs and orders](#)" in this document.

Adult education programs

Smart Snacks does not apply to adult education programs on school premises. However, Connecticut's statutes and regulations for competitive foods do not address an age limit for students or distinguish between regular and adult education programs. Therefore, the state beverage statute and state competitive foods regulations apply to sales of foods and beverages to adults who are "students" in adult education programs under the board of education's jurisdiction, if the beverage sales are under the control of the adult education program. The state statute for nutritious low-fat foods (C.G.S. Section 10-221p) does not apply unless the adult education program's food sales occur during the school day. For more information, refer to the CSDE's memo, [*Requirements for Selling Foods and Beverages in Adult Education Programs*](#).

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Bake sales

Bake sales on school premises cannot sell noncompliant foods to students during the school day. Bake sales cannot sell noncompliant beverages to students on school premises unless: 1) the board of education or school governing authority has voted to allow beverage exemptions; and 2) the bake sale is held after the school day or on the weekend at the location of an event that meets the exemption criteria of the state beverage statute (refer to “[Beverage Exemptions](#)” in this document).



If the bake sale occurs from 30 minutes before up through 30 minutes after the operation of any CNPs (including bake sales at events), the state competitive foods regulations require additional restrictions. Section 10-215b-1 prohibits sales of candy, coffee, tea, and soft drinks to students on school premises during this time (refer to “[Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks](#)” in this document). Section 10-215b-23 requires that the bake sale’s income from all foods and beverages sold to students during this time must accrue to the nonprofit food service account (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).

Bake sales on school premises may sell compliant foods to students at any time, if the sales comply with C.G.S. Section 10-221p (refer to “[State Statute Requiring Nutritious and Low-fat Foods](#)” in this document) and the state competitive foods regulations (refer to “[State Competitive Foods Regulations](#)” in this document).

- **Example:** A bake sale on school premises during the school day sells muffins and cookies that comply with Smart Snacks. These foods are listed on the CSDE’s [List of Acceptable Foods and Beverages](#) webpage. This bake sale must also sell low-fat dairy foods and fresh or dried fruit, unless these foods are sold elsewhere on school premises at the same time. If this bake sale occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the bake sale’s income during this time must accrue to the nonprofit food service. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the bake sale’s income from all foods and beverages sold to students from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m.

Smart Snacks and Connecticut’s statutes and regulations for competitive foods do not apply to bake sales that sell foods and beverages only to adults (such as teachers, staff, and parents) or to bake sales held off school premises. For more information, refer to “[Sales to adults](#)” and “[Fundraisers off school premises](#)” in this document.

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Candy

Candy includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints. Smart Snacks prohibits sales of candy to students during the school day. In addition, Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day (refer to [“Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks”](#) in this document).



The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy on school premises. The LEA's school wellness policy may have other local requirements for selling and giving candy to students on school premises. For more information, refer to [“USDA School Wellness Policy Requirements”](#) in this document.

Compliant foods and beverages

Compliant foods comply with Smart Snacks (refer to [“Allowable Foods”](#) in this document). Compliant beverages comply with Smart Snacks and the state beverage statute (refer [“Allowable Beverages”](#) in this document). Fundraisers on school premises may sell compliant foods and beverages to students at any time, if the sales also comply with C.G.S. Section 10-221p (refer to [“State Statute Requiring Nutritious and Low-fat Foods”](#) in this document) and Section 10-215b-23 of the state competitive foods regulations (refer to [“Section 10-215b-23: Accrual of income”](#) in this document).

Fundraiser catalogs and orders

Smart Snacks does not apply to foods and beverages sold off school premises through fundraising catalogs, fliers, and similar promotions; or to foods intended for consumption at home, such as frozen cookie dough and boxes of Girl Scout cookies. Foods purchased through a fundraiser may be delivered on school premises during the school day if the foods being sold 1) meet the Smart Snacks nutrition standards; or 2) are not intended to be consumed on school premises during the school day (refer to [“Timing of distribution and consumption”](#) in this document).

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Connecticut's statutes and regulations for competitive foods supersede Smart Snacks because these requirements apply whenever students exchange money for foods and beverages on school premises, regardless of when students will consume the foods and beverages. This includes orders for foods and beverages from fundraising catalogs, fliers, and similar promotions on school premises.

Students may bring fundraiser catalogs home and sell foods and beverages to anyone off school premises. However, if students deliver the fundraiser orders and money to school, and pick up the foods and beverages at school for delivery to customers, the fundraiser is selling foods and beverages to students on school premises. For example, students cannot deliver orders and money for bags of gourmet coffee to school, and pick up the coffee at school, because coffee does not comply with the state beverage statute.

The state beverage statute prohibits fundraisers on school premises from selling (and students from ordering) noncompliant foods and beverages unless: 1) the board of education or school governing authority has voted to allow beverage exemptions; and 2) the fundraiser meets the exemption criteria of the state beverage statute (refer to "[Beverage Exemptions](#)" in this document). If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions (refer to "[State Competitive Foods Regulations](#)" in this document). Section 10-215b-1 prohibits candy, coffee, tea, and soft drinks from being sold to, ordered by, or distributed to students on school premises during this time, including sales, orders, and distribution orders at events. Section 10-215b-23 requires that the fundraiser's income from all food and beverage orders sold to students during this time must accrue to the nonprofit food service account.

- **Example:** The At-risk Afterschool Meals program serves supper on school premises from 4:30 p.m. to 6:00 p.m. A fundraiser takes orders for foods and beverages on the side of the soccer field at a soccer game (exempted event) during the same time. Students cannot order candy, coffee, tea, or soft drinks from 4:00 p.m. to 6:30 p.m. The nonprofit food service account must receive the fundraiser's income from all foods and beverages ordered by (sold to) students during these times.

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Allowable procedures for beverage orders from fundraiser catalogs and fliers

When students take orders for noncompliant beverages off school premises and bring the orders and money to school, the fundraiser must follow the procedures below to comply with Connecticut's statutes and regulations for competitive foods.

1. Students bring the fundraiser orders and money to school.
2. The distribution of the fundraiser beverages complies with one of the following procedures:
a) parents or other adults pick up the beverages on school premises; b) students pick up the beverages at an event on school premises that occurs after the school day or on the weekend, when CNPs are not operating; or c) the pick-up location for the beverages is off school premises.
3. The district's pick-up policy for beverages is clearly indicated on the school's fundraising flier and any written communication regarding the fundraiser.

Fundraisers that do not follow these procedures can never distribute noncompliant beverages to students on school premises.

Fundraisers off school premises

Smart Snacks and Connecticut's statutes and regulations for competitive foods do not apply to fundraising activities that take place off school premises, such as bake sales held at a supermarket or candy bar sales held at a town community center. However, Connecticut's statutes and regulations apply when students sell foods and beverages off school premises, deliver fundraiser orders and money to school, and pick up the foods and beverages at school (refer to "[Fundraiser catalogs and orders](#)" in this document). Under Connecticut's statutes and regulations for competitive foods regulations, foods and beverages are being sold to students when students exchange money or its equivalent for foods and beverages on school premises, regardless of when students will receive or consume the foods and beverages.

Gift cards and entertainment books

Smart Snacks applies when students purchase gift cards and similar items that can be exchanged for foods and beverages on school premises during the school day. Smart Snacks does not apply to gift cards, entertainment books, and similar items that students can exchange for foods and beverages off school premises or after the school day. Examples include gift cards and



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entertainment books with coupons that are redeemable off school premises at businesses selling foods and beverages, e.g., restaurants, convenience stores, fast food chains, and local dining establishments.

Connecticut's statutes and regulations for competitive foods supersede Smart Snacks because they apply to gift cards and similar items sold to or ordered by students on school premises, regardless of where or when students can obtain the foods and beverages. This includes gift cards and similar items that can be exchanged for foods and beverages off school premises, such as gift cards for restaurants, convenience stores, fast food chains, and local dining establishments; but excludes supermarket gift cards.

When students sell gift cards or similar items off school premises and bring the money to school, the requirements are the same as procedures for fundraiser catalogs and orders (refer to "[Allowable procedures for fundraiser catalogs and orders](#)" in this document). The distribution of the gift cards must comply with one of the following: a) parents or other adults pick up the gift cards on school premises; b) students pick up the gift cards at an event on school premises that occurs after the school day or on the weekend, when CNPs are not operating; or c) the pick-up location for the gift cards is off school premises.

The state beverage statute prohibits fundraisers on school premises from selling students gift cards and similar items that can be redeemed for noncompliant beverages unless: 1) the board of education or school governing authority has voted to allow beverage exemptions; and 2) the fundraiser meets the exemption criteria of the state beverage statute (refer to "[Beverage Exemptions](#)" in this document). If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs (including sales at events), the state competitive foods regulations require additional restrictions (refer to "[State Competitive Foods Regulations](#)" in this document). Section 10-215b-1 prohibits gift cards and similar items that can be exchanged for candy, coffee, tea, and soft drinks from being sold or given to students, ordered by students, or distributed to students on school premises during this time. Section 10-215b-23 requires that the fundraiser's income from all gift cards and similar items sold to students during this time must accrue to the nonprofit food service account.

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Gum

The [Federal Food, Drug, and Cosmetic Act](#) defines gum as a food.

Regular chewing gum does not comply with Smart Snacks and cannot be sold to students on school premises during the school day. Sugar-free chewing gum is exempt from Smart Snacks and may be sold to students

on school premises during the school day if the sales comply with C.G.S. Section 10-221p (refer to “[State Statute Requiring Nutritious and Low-fat Foods](#)” in this document) and Section 10-215b-23 of the state competitive foods regulations (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).



Noncompliant foods and beverages

Fundraisers on school premises cannot sell noncompliant foods to students during the school day. Fundraisers on school premises cannot sell noncompliant foods beverages to students at any time unless: 1) the board of education or school governing authority has voted to allow food and beverage exemptions; and 2) the sales meet the exemption criteria of the state beverage statute (refer to “[Beverage Exemptions](#)” in this document). If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions, regardless of when students will receive the orders or consume the foods and beverages (refer to “[State Competitive Foods Regulations](#)” in this document). Section 10-215b-1 prohibits selling candy, coffee, tea, and soft drinks to students during this time. Section 10-215b-23 requires that the fundraiser’s income from all foods and beverages sold to students during this time must accrue to the nonprofit food service account. These requirements also apply to student orders for noncompliant foods and beverages, and distribution of preordered noncompliant foods and beverages to students during this time (refer to “[Timing of distribution and consumption](#)” in this document).

Nonfood fundraisers

Smart Snacks and Connecticut’s statutes and regulations for competitive foods do not apply to non-food sales. Any requirements for sales of nonfood items to students would be determined locally by the LEA. The CSDE strongly encourages schools to promote consistent health messages to students by conducting nonfood fundraisers. The CSDE’s handout, [Healthy Fundraising](#), provides suggestions for fundraising with nonfood items and activities.

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Suggested donations for foods and beverages

Suggesting a student donation in exchange for foods and beverages is the same as selling foods and beverages to students. An example is a fundraiser that offers students a “free” cookie for donating to a charity, school organization, or similar entity.

Fundraisers on school premises cannot give noncompliant foods to students in exchange for a suggested donation during the school day. Fundraisers on school premises cannot give noncompliant beverages to students at any time unless: 1) the board of education or school governing authority has voted to allow beverage exemptions; and 2) the sales meet the exemption criteria of the state beverage statute (refer to “[Beverage Exemptions](#)” in this document). If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions (refer to “[State Competitive Foods Regulations](#)” in this document). Section 10-215b-1 prohibits fundraisers from giving candy, coffee, tea, and soft drinks to students in exchange for a donation during this time. Section 10-215b-23 requires that the fundraiser’s income from all student donations for foods and beverages during this time must accrue to the nonprofit food service account.

- **Example:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises during the school day offers students a cookie for donating money to a charity. The nonprofit food service account must receive the fundraiser’s income from all student donations offered in exchange for cookies from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. **Note:** The cookie must comply with Smart Snacks because the sale (i.e., suggested donation) occurs during the school day.

Tickets, coupons, and tokens

Smart Snacks applies when students **purchase** tickets, coupons, tokens, and similar items that can be exchanged for foods and beverages on school premises during the school day. For example, if a student club sells tickets that students can exchange for ice cream on school premises during the school day, the ice cream must comply with Smart Snacks. Smart Snacks does not apply to food coupons and similar items that are given to students free of any charge or contribution, such as food rewards.

Connecticut’s statutes and competitive foods regulations supersede Smart Snacks because they apply to all foods and beverages that students can obtain by exchanging tickets, coupons, tokens, and similar items. These requirements apply regardless of whether the tickets and similar items are purchased by students or given to



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students at no charge (such as coupons for food rewards); and regardless of when students will receive or consume the foods and beverages (refer to “[Timing of distribution and consumption](#)” in this document). The examples below show how the state requirements apply to tickets and similar items.

- **Example 1:** On Monday during the school day, a school club sells tickets to students on school premises. On Friday after the school day, students can exchange the tickets for foods and beverages on school premises. The beverages must comply with the state beverage statute (refer to “[Allowable Beverages](#)” in this document). The Smart Snacks nutrition standards do not apply because students obtain the beverages after the school day. If the ticket sales occur from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the income must accrue to the nonprofit food service account (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).
- **Example 2:** Students purchase coupons on school premises that can be exchanged for foods and beverages in the school store during the school day. The foods must comply with Smart Snacks (refer to “[Allowable Foods](#)” in this document). The beverages must comply with the state beverage statute and Smart Snacks (refer to “[Allowable Beverages](#)” in this document). If the coupon sales occur from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the income must accrue to the nonprofit food service account (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).
- **Example 3:** During the school day, a teacher rewards students with a coupon that student can exchange for beverages on school premises after the school day. The beverages must comply with the state beverage statute (refer to “[Allowable Beverages](#)” in this document). The Smart Snacks nutrition standards do not apply because students obtain the beverages after the school day.

Using food as a reward has many negative consequences that go far beyond the short-term benefits of good behavior or performance. The CSDE strongly encourages schools to promote consistent health messages to students by eliminating food rewards. For more information, refer to the CSDE’s resource, [*Alternatives to Food Rewards*](#).

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Timing of distribution and consumption

Fundraisers sometimes sell foods and beverages at a different time from when they will be distributed or consumed. For example, students order and pay for the foods and beverages, then receive the products several weeks later. The federal and state requirements have different restrictions for these types of fundraisers.

Foods and beverages intended for consumption at home

Smart Snacks applies to all student orders for foods and beverages that are distributed to, and intended to be consumed by, students on school premises **during the school day**. For example, a fundraiser cannot sell tickets to students on Monday during the school day for a candy bar that will be distributed to students on Friday during the school day because candy bars do not comply with Smart Snacks.

Smart Snacks does not apply to foods and beverages intended for consumption at home. Examples include products distributed on school premises in a precooked state (such as frozen cookie dough, frozen pies, and frozen pizza), and products that are distributed on school premises in bulk quantities, i.e., multiple servings per package (such as boxes or bags of candy bars, Girl Scout cookies, popcorn, tea bags, hot chocolate packets, and bags of gourmet coffee).

Connecticut's beverage statute supersedes Smart Snack because it applies regardless of when students will consume the beverages.

- **Example:** Students cannot order bags of gourmet coffee from a fundraiser on school premises because coffee does not comply with the state beverage statute. Noncompliant beverages cannot be ordered by or distributed to students on school premises unless: 1) the board of education or school governing authority has voted to allow beverage exemptions; and 2) the beverages are distributed to students after the school day or on the weekend at the location of an event that meets the exemption criteria of the state beverage statute (refer to "[Beverage Exemptions](#)" in this document).

Fundraiser orders and distribution during CNPs

If the fundraiser orders and distribution occur while any CNPs are operating, the state competitive foods regulations require additional restrictions (refer to "[State Competitive Foods Regulations](#)" in this document). Section 10-215b-1 prohibits fundraiser orders and distribution of candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Section 10-215b-23 requires that the fundraiser's income from all foods and beverages sold to students during

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this time (including fundraiser orders and ticket sales) must accrue to the nonprofit food service account. For more information, refer to “[Tickets, coupons, and tokens](#)” and “[Fundraiser catalogs and orders](#)” in this document.

Connecticut’s regulations for competitive foods supersede Smart Snack because they apply regardless of when students will consume the foods and beverages. The examples below show how these state requirements apply to fundraisers.

- **Example 1:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises sells boxes of candy bars to students during the school day. Section 10-215b-1 of the state competitive foods regulations prohibits students from ordering the candy, and the fundraiser from distributing the candy to students, during 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to “[Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks](#)” in this document).
- **Example 2:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises during the school day takes orders from students for frozen cookie dough. Section 10-215b-23 of the state competitive foods regulations requires that nonprofit food service account must receive the fundraiser’s income from all student orders during 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).



Resources

Allowable Beverages in Connecticut Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Allowable_Beverages_Public_Schools.pdf

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements>

Beverage Requirements for Connecticut Public Schools (Presentation) (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Beverage_Requirements_Connecticut_Public_Schools_Presentation.pdf

C.G.S Section 10-215f: Certification that food meets nutrition standards:

https://www.cga.ct.gov/current/pub/chap_169.htm#sec_10-215f

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C.G.S. Section 10-221p: Boards to make available for purchase nutritious and low-fat foods:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221p

C.G.S. Section 10-221q: Sale of beverages:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q

Competitive Foods in Schools (CSDE webpage)

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf>

Exemptions for Foods and Beverages in Public Schools (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
Food_Beverage_Exemptions_Public_Schools.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Food_Beverage_Exemptions_Public_Schools.pdf)

Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHSFKA of 2010 (81 FR 50131).

<https://www.fns.usda.gov/school-meals/fr-072916d>

Fundraisers and Smart Snacks: Foods Not Intended for Consumption at School (USDA):

<https://fns-prod.azureedge.net/sites/default/files/cn/fundraisersfactsheet.pdf>

Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
Evaluating_Recipes_CNS_Compliance.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Evaluating_Recipes_CNS_Compliance.pdf)

Guide to Competitive Foods in Non-HFC Public Schools (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
Competitive_Foods_Guide_NonHFC.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_NonHFC.pdf)

Healthy Fundraising (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/Resources/HealthyFundraising.pdf>

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages>

Overview of Connecticut's Competitive Foods Regulations (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
Overview_CT_Competitive_Foods_Regulations.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_CT_Competitive_Foods_Regulations.pdf)

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Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_Federal_State_Laws_Competitive_Foods.pdf

Questions and Answers on Connecticut Statutes for School Foods and Beverages:

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Questions_Answers_Connecticut_Statutes_School_Foods_Beverages.pdf

Requirements for Competitive Foods in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Requirements_Competitive_Foods_NonHFC.pdf

Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Resources_Federal_State_Requirements_Competitive_Foods.pdf

School Wellness Policies (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/School-Wellness-Policies>

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:

https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215b/

Smart Snacks Product Calculator (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/>

Smart Snacks Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Smart-Snacks-Nutrition-Standards>

Summary Chart: Federal and State Requirements for Competitive Foods in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Requirements_Competitive_Foods_NonHFC.pdf

Summary of Smart Snacks Nutrition Standards (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Smart_Snacks_Nutrition_Standards.pdf

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For more information, visit the CSDE's [Healthy Food Certification](#) and [Connecticut Nutrition Standards](#) webpages or contact the [HFC Coordinator](#) in the CSDE's Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser_Requirements_NonHFC.pdf.

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Office of the Assistant Secretary for Civil Rights
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Washington, D.C. 20250-9410;
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